

# EXHIBIT 2

# ZMO LAW PLLC

September 30, 2021

*Via U.S. mail and email*

Steven M. Silverberg  
Hoguet Newman Regal & Kenney, LLP  
60 East 42<sup>nd</sup> Street, 48<sup>th</sup> Floor  
New York, NY 10165

RE: *Felipe Rodriguez v. City of New York et al.*, 21-cv-01649

Dear Mr. Silverberg:

This office represents Felipe Rodriguez in the above-captioned matter.

As you know, we served a notice of claim on your firm's client, the Metropolitan Transportation Authority ("MTA"), on March 27, 2020. That notice included a demand of \$270 million for injuries suffered in connection with Mr. Rodriguez's wrongful conviction and incarceration for nearly 27 years. Nevertheless, in support of your pending motion to dismiss Mr. Rodriguez's state law claim against the Long Island Railroad Company ("LIRR"), ECF Nos. 42, 44, you argue that Public Authorities Law § 1276(1) requires Mr. Rodriguez to serve a separate, identical demand on the LIRR, a wholly-owned subsidiary of the MTA that your firm also represents and that is also named as a defendant in the lawsuit.

Where the MTA has been served with a notice of claim and demand, nothing in § 1276 requires a separate demand on the LIRR relating to the same claims. Nor does § 1276 require dismissal of claims where the LIRR has actual notice of the lawsuit and of Plaintiff's demand. However, in an abundance of caution, **we hereby demand that the LIRR compensate Mr. Rodriguez in the amount of \$270 million for injuries suffered in connection with Mr. Rodriguez's wrongful conviction and incarceration.**

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If the LIRR neglects or refuses to make an adjustment or payment of this claim within 30 days, Mr. Rodriguez may amend his Complaint to include a statement so alleging.

Very truly yours,

*Zachary Margulis-Ohnuma*

Zachary Margulis-Ohnuma

CC: Paige Graves, Esq., LIRR General Counsel (via U.S. Mail)  
Ira Lipton, Esq. (via email only)  
Helene R. Hechtkopf, Esq. (via email only)

Encl.: Notice of Claim in the matter of *Felipe Rodriguez against the City of New York, et al.* (March 27, 2020)